

FILED
BOARD OF PHYSICAL THERAPY

SEP 15 2008

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

MICHAEL J. REYNOLDS, P.T.
License No. 40QA01128700

Administrative Action

CONSENT ORDER

TO PRACTICE PHYSICAL THERAPY
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Physical Therapy Examiners (hereinafter "the Board") upon receipt of information from St. Francis Medical Center that Michael J. Reynolds, P.T. (hereinafter "Respondent") had misappropriated, filled out and signed a prescription blank for controlled substances. Specifically, on or about February 4, 2008, Respondent was terminated from his position as a per diem physical therapist at St. Francis Medical Center for taking a prescription blank without authorization, forging a doctor's signature, and attempting to have it dispensed with 90 Percocet tablets.

On June 24, 2008 Respondent appeared with counsel, Mark J. Molz, Esq., at an investigative inquiry held by the Board. Respondent testified that in November 2007 he had received a legitimate one week prescription for percocet for an ankle injury. Respondent further testified that he later experienced stress-related neck pain due to his wife's bipolar illness and their difficulties conceiving a child. As a result, he took a prescription blank from the hospital and wrote a prescription for himself for 90 percocet, which was never filled.

Respondent confirmed that he is currently participating in an outpatient treatment program with Genesis Center, a substance abuse treatment facility, as well as in individual psychotherapy with Dr. Elliott H. Schreiber. At the Genesis Center, Respondent is participating in a sixteen-week outpatient treatment program from March 2008 through July 2008, in which he attends group sessions three hours per week. The program does not include random urine testing. Respondent is currently employed full-time as a staff physical therapist at NovaCare Rehabilitation in Delran, New Jersey, and as a per diem physical therapist on weekends at Our Lady of Lourdes Medical Center in Camden and Willingboro, New Jersey.

The Board has determined that Respondent's actions regarding the taking and utilization of a prescription blank constitutes professional misconduct and that the facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 15th DAY OF September, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice physical therapy is suspended for one year. The first three months shall be an active suspension and the remainder stayed on the condition that the Respondent fully participates in and successfully completes a structured substance abuse program for at least 28 days. The program may be in-patient or out-patient and must be pre-approved by the Board. The costs of the substance abuse program shall be paid by the Respondent.

2. Respondent shall submit to random urine monitoring, at a laboratory facility approved by the Board, a minimum of three times per month for the first six months, and a minimum of one time per month for the subsequent two years. The Respondent is responsible for the payment of the costs of the monitoring program.

(a) The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b) All test results including any secondary test results shall be provided directly to the Executive Director of the Board, and during any period of vacancy in this position, to Lisa Petrowski, Assistant to the Executive Director of the Board, or her designee in the event she is absent or unavailable. The Board will also retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate

that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c) Any failure by Respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event Respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive the day's test must be secured from the Executive Director or in his or her absence from Lisa Petrowski or her designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, Respondent must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g. a physician's report attesting that he was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of Respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d) In the event Respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board, may in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

(e) Any urine test result showing creatinine levels below 20mg/dL and a specific gravity below 1.009 shall create a rebuttable presumption of a confirmed positive urine test. Such specimen shall be immediately subjected to the confirming G.C./M.S. test.

(f) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

3. The inactive suspension period provided herein shall be activated and Respondent's license shall be automatically placed on active suspension upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that Respondent has failed to comply with any of the conditions set forth in the Consent Order, including but not limited to report of a confirmed positive urine, or a prima facie showing of drug abuse.

4. Respondent shall attend a 12-step substance abuse program at least five days per week for one year.


5. Respondent shall continue individual psychotherapy treatment for at least one year. The treating psychotherapist shall submit quarterly reports to the Board regarding Respondent's progress.

6. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$276.20. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days from the filing of this Consent Order. Payment shall be sent to the attention of the Executive Director of the Board of Physical Therapy Examiners, at P.O. 45014, Newark, New Jersey, 07102.

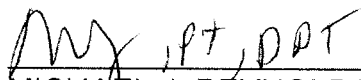
7. Failure to remit any payment required by this Order will result in the filing of a certificate of debt, and may result in further disciplinary proceedings.

8. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that respondent has violated any term of this Order, respondent's license may be automatically suspended by the Board. Respondent, upon five days notice, may request a hearing to contest the entry of such an order. At any such hearing the sole issue shall be whether any of the information received regarding respondent was materially false. In addition, the Board reserves the right to bring further disciplinary action.

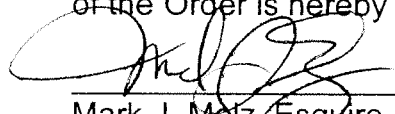
NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By:  PT 4000009100
Nancy Kirsch, P.T., Ph.D., DPT
Chairperson

I have read and understand the
within Consent Order and agree
to be bound by its terms. Consent
is hereby given to the Board to
enter this Order.

 9/2/08
MICHAEL J. REYNOLDS, P.T.

Consent as to the form and entry
of the Order is hereby given by:

 5/2/08
Mark J. Molz Esquire